

CRR 3608 of 2018**Bhagyadhar Mondal
Vs.
The State of West Bengal & Ors.****Mr. Amal Kr. Banerjee**

... ... for the opposite party Nos.3 & 4

1. Despite the Court's previous direction to the Department for serving administrative notice upon the Petitioner to ensure representation, none appears on his behalf today, nor has any accommodation been prayed for. The petitioner was not represented even on the earlier occasions.
2. Learned Counsel for the Opposite Party Nos. 3 and 4 is, however, present on the strength of the departmental notice and ready to proceed.
3. It is noted from the record that due service of the administrative notice has been effected, as borne out by the report of the learned Chief Judicial Magistrate, Birbhum at Suri, dated October 13, 2025. Considering the inordinate delay in the disposal of this matter since 2018, coupled with the Petitioner's apparent and persistent lack of interest in prosecuting the instant Revisional Application, this Court deems it proper to proceed with the determination of the

Revision on the basis of the materials presently available on record.

4. This Criminal Revisional Application, pending since 2018, was preferred by the Petitioner seeking the quashing of the criminal proceeding, being Tarapith P.S. Case No. 17 of 2018, dated March 5, 2018. The said proceeding was instituted under Section 138 of the Electricity Act, 2003 (as amended in 2007) and is currently pending adjudication before the Learned Judge, Special Court (Electricity Act), Suri, Birbhum.
5. The core grievance articulated by the Petitioner, as reflected in the petition, is that he has been falsely implicated in the case. The premise of his defence rests upon two main pillars:

A. He asserts that the land (Plot No. 488) upon which the submersible pump was installed, was sold to one Hasmat Sk on October 5, 2012, through a registered deed of Sale being number 1-8083 of 2012 executed on 05.10.2012 at Assistant District Sub-Registrar, Rampurhat, Birbhum.

B. Consequent to the sale, he claims to have formally notified the office of the Assistant Engineer on November 11, 2012, requesting the disconnection of the electricity supply associated with the submersible pump from his name.

The Petitioner thus contends that having lawfully divested himself of the property and initiated the process for disconnection, he cannot be held liable for the subsequent

accrued energy bill, amounting to Rs. 1,69,788.40, which formed the basis of the impugned prosecution.

6. In any event, the exercise of this Court's inherent power under Section 482 of the Code of Criminal Procedure to quash a criminal proceeding must be undertaken sparingly and with utmost circumspection. The power is to be invoked only in exceptional circumstances, such as where the allegations in the First Information Report (FIR) or complaint, taken at their face value, do not disclose the commission of any offence, or where the continuance of the proceeding amounts to a palpable abuse of the process of law.
7. Upon careful perusal of the FIR, lodged by the Assistant Engineer and Station Manager of the Margram C.C.C., this Court finds that the document clearly articulates a specific allegation against the Petitioner, thereby prima facie disclosing the commission of an offence punishable under Section 138 of the Electricity Act, 2003.
8. The defence now put forth by the Petitioner—concerning the registered sale of land, the alleged notification for disconnection, and the transfer of liability to a subsequent purchaser—involves complex and seriously disputed questions of fact. The determination of whether the Petitioner's liability ceased upon sale, the legal efficacy of the alleged disconnection request, and the ascertainment of the actual user or legally responsible person for the accrued dues at the time of the alleged offence, are all matters that necessitate the adduction

of evidence and the thorough testing of veracity through cross-examination.

9. It is a well-settled principle of law that the High Court, in its Revisional or inherent jurisdiction, ought not to embark upon a meticulous inquiry into the merits of the defence. The grounds raised by the Petitioner are essentially matters of defence that must be raised and established during the course of the trial before the Learned Special Court. The material on record does not remotely suggest that the continuance of the proceeding is an abuse of the process of law, nor can it be said that the FIR is an empty formality.
10. In view of the aforesaid detailed reasoning, this Court does not find sufficient material on record to warrant the quashing of the impugned criminal proceeding at this preliminary stage. The Revisional Application, lacking requisite merit for intervention, must consequently fail.
11. Accordingly, the instant Criminal Revisional Application is dismissed.
12. The Interim Order, if any, granted previously, stands vacated forthwith.
13. Any pending application, being consequential to the main Revision, stands dismissed.
14. There shall be no order as to costs.
15. The Learned Trial Court is directed to proceed with the trial in accordance with law and without being influenced by any observations made herein.

16. Urgent photostat certified copy of this Order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Uday Kumar, J.)